

**FIFTIETH LEGISLATIVE DAY
MONDAY, MARCH 1, 2004**

Governor
/s/ BEN YSURSA
Secretary of State

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Shirley. Total -- 1.
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Sarah Lynn Shaffer, Page.

Approval of Journal

March 1, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-seventh Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Tom Trail, State Representative, District 6, House Seat A, Latah County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Earl Bennett, of Genesee, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Earl Bennett, Acting State Representative, District 6, House Seat A, Latah County, State of Idaho, for a term commencing on Monday, March 1, 2004, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 27th day of February in the year of our Lord two thousand and four, and of the Independence of the United States of America, the two hundred and twenty-eighth year.

/s/ DIRK A. KEMPTHORNE

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. Bennett.

February 27, 2004

Mr. Speaker:

I transmit herewith enrolled **SJM 105** and **SJM 106** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **SJM 105** and **SJM 106** and, when so signed, ordered them returned to the Senate.

February 27, 2004

Mr. Speaker:

I transmit herewith **S 1266**, **S 1232**, as amended, **S 1323**, **S 1302**, **S 1372**, **S 1381**, and **S 1367** which have passed the Senate.

WOOD, Secretary

S 1266, **S 1232**, as amended, **S 1323**, **S 1302**, **S 1372**, **S 1381**, and **S 1367** were filed for first reading.

February 27, 2004

Mr. Speaker:

I return herewith **HCR 53** which has passed the Senate.

WOOD, Secretary

HCR 53 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 1, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 783**, **H 784**, **H 785**, **H 786**, **H 787**, and **H 788**.

FIELD(18), Chairman

H 787 was referred to the Education Committee.

H 788 was referred to the Revenue and Taxation Committee.

H 783, **H 784**, **H 785**, and **H 786** were filed for second reading.

February 26, 2004

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 748**, **HCR 49**, and **SCR 122** and recommend that they do pass.

SALI, Chairman

H 748, HCR 49, and SCR 122 were filed for second reading.

February 27, 2004

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **SJM 108** and recommend that it do pass.

BARRACLOUGH, Chairman

SJM 108 was filed for second reading.

February 27, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **HCR 50, S 1210, S 1221, and S 1237** and recommend that they do pass.

FIELD(18), Chairman

HCR 50, S 1210, S 1221, and S 1237 were filed for second reading.

March 1, 2004

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 603 and S 1255** and recommend that they do pass.

BARRACLOUGH, Chairman

H 603 was returned to the Third Reading Calendar.

S 1255 was filed for second reading.

March 1, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **S 1264** and recommend that it do pass.

DEAL, Chairman

S 1264 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 54 BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND COMMENDING THE DEPARTMENT OF ENERGY'S IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY FOR ITS FIFTY-FIVE YEARS OF SERVICE TO IDAHO AND THE UNITED STATES OF AMERICA.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, fifty-five years ago, the fledgling Atomic Energy Commission selected a site in Idaho over twenty other potential locations across the nation to become the home of the country's one and only National Reactor Testing Station; and

WHEREAS, Idaho's National Reactor Testing Station played a key role in carrying out President Eisenhower's landmark Atoms for Peace Initiative by generating the world's first usable amounts of electricity from nuclear power, giving Arco, Idaho, the distinction of being the first American city to be powered by nuclear-generated electricity, and designing and building a total of fifty-two, mostly first of their kind, nuclear reactors; and

WHEREAS, Idaho's national laboratory has served so nobly in enhancing our national defense through the development of United States naval nuclear propulsion systems, the training of U.S. Navy nuclear personnel and the development and manufacture of protective armor packages and numerous other technologies to enhance the safety and efficiency of U.S. military forces; and

WHEREAS, scientists and engineers at Idaho's national laboratory have labored tirelessly to advance Idaho and national interests with their contributions in alternative and renewable energy systems, neutron capture therapy, subsurface science, biotechnology and many other areas as befits a multiprogram national laboratory; and

WHEREAS, Idaho's national laboratory has become a key and respected partner with state government, regional universities and industry in advancing Idaho's Science and Technology Strategic Plan and helping secure Idaho's place in the knowledge-based economy of the twenty-first century; and

WHEREAS, the Idaho Legislature and the people of the state of Idaho fully appreciate the tremendous scientific and economic asset the Idaho National Engineering and Environmental Laboratory is to Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and commend the Idaho National Engineering and Environmental Laboratory in this, the fifty-fifth year of its service to America and express our support for this Idaho-based national asset so that it can continue its contributions to national science and technology excellence for many years to come.

HOUSE JOINT MEMORIAL NO. 22 BY EDUCATION COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Idaho National Engineering and Environmental Laboratory is the largest employer in Eastern Idaho and one of the largest in the state of Idaho; and

WHEREAS, the Idaho National Engineering and Environmental Laboratory has provided support to our nation's security, by manufacturing tank armor that protects our troops, testing materials for the nuclear Navy to make better warships, developing instrumentation that allows our law enforcement agencies and the military to detect chemical or radiological hazards safely, and developing instruments and processes that help us maintain and protect our critical infrastructure such as information, communications and information systems; and

WHEREAS, the Idaho National Engineering and Environmental Laboratory is the United States Department of Energy's leader in the development of nuclear energy, particularly in the next generation of nuclear reactors that will be cleaner, safer, more efficient and more proliferation resistant; and

WHEREAS, the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory-West will be joined in 2005 to form the Idaho National Laboratory, which the United States Department of Energy intends to develop into the preeminent nuclear research, development and demonstration lab within ten years and the Idaho National Laboratory will also establish itself as a center for national security technology development and demonstration; and

WHEREAS, the Idaho National Laboratory will foster new government, industry, academic and international collaborations to produce the investment, programs and expertise to assure this vision is realized; and

WHEREAS, the Idaho National Laboratory will offer new opportunities to Idaho small business and industry, universities and communities to become involved in developing this world class laboratory.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we request the President and Congress to vigorously support and expand the Idaho National Laboratory as it develops a world class, multiprogram laboratory that attracts and retains exceptional scientific, technical and business talent to accomplish its programs.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HCR 54 and **HJM 22** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 789
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2005; PROVIDING FOR THE RECOVERY OF BANKING SERVICES COSTS TO THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**HOUSE BILL NO. 790
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**HOUSE BILL NO. 791
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**HOUSE BILL NO. 792
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2005; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO BOND PAYMENTS; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO HOUSE CONCURRENT RESOLUTION 44.

**HOUSE BILL NO. 793
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS FOR COMMUNITY COLLEGE SUPPORT FOR FISCAL YEAR 2005.

**HOUSE BILL NO. 794
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS FOR THE HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR THE SEVERAL DESIGNATED PROGRAMS; AND SETTING CONDITIONS FOR REAPPROPRIATION.

**HOUSE BILL NO. 795
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING

LEGISLATIVE INTENT REGARDING MONEYS APPROPRIATED FOR CATEGORY B OF THE IDAHO ROBERT R. LEE PROMISE SCHOLARSHIP PROGRAM.

HOUSE BILL NO. 796
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO STATUTORY RAPE; AMENDING SECTIONS 16-1602, 16-2002 AND 16-2005, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE; AMENDING SECTION 18-310, IDAHO CODE, TO PROVIDE A REFERENCE TO STATUTORY RAPE AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 18-608, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTIONS 18-909, 18-911, 18-4003, 18-4006 AND 18-4502, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE; AMENDING SECTION 18-6101, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING RAPE OF FEMALES UNDER THE AGE OF EIGHTEEN YEARS, TO PROVIDE CLARIFYING LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTIONS 18-6102, 18-6103 AND 18-6105, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE; AMENDING SECTION 18-6107, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING CHAPTER 61, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6111, IDAHO CODE, TO DEFINE "STATUTORY RAPE" AND TO PROVIDE FOR PUNISHMENT; AMENDING SECTION 18-8303, IDAHO CODE, TO REVISE THE DEFINITION OF "AGGRAVATED OFFENSE"; AMENDING SECTION 18-8304, IDAHO CODE, TO REVISE APPLICATION OF THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT; AMENDING SECTION 18-8314, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO PROVIDE AN EXCEPTION; AMENDING SECTION 19-202A, IDAHO CODE, TO PROVIDE A REFERENCE TO STATUTORY RAPE; AMENDING SECTIONS 19-401 AND 19-402, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 19-2515, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE; AMENDING SECTION 19-2520, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTIONS 19-2520C AND 19-5307, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE; AMENDING SECTION 19-5506, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-223, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE; AMENDING SECTION 20-240, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-525A, IDAHO CODE, TO REMOVE A REFERENCE TO STATUTORY RAPE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1208, IDAHO

CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTIONS 39-1113 AND 56-209c, IDAHO CODE, TO PROVIDE REFERENCES TO STATUTORY RAPE; AND AMENDING SECTION 72-1025, IDAHO CODE, TO PROVIDE A CODE REFERENCE.

HOUSE BILL NO. 797
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO RECORDS EXEMPT FROM DISCLOSURE; AMENDING SECTION 9-340D, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS RELATING TO ACADEMIC RESEARCH SHALL BE EXEMPT FROM DISCLOSURE.

HOUSE BILL NO. 798
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE CREATION OF THE IDAHO STATE HISTORIC PRESERVATION AND CULTURAL ENHANCEMENT ACT OF 2004 AND AN IDAHO HISTORIC PRESERVATION AND CULTURAL ENHANCEMENT FUND; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4101, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4102, IDAHO CODE, TO AUTHORIZE HISTORIC PROJECT REVIEW; AMENDING SECTION 67-4126, IDAHO CODE, TO REMOVE DUTIES RELATING TO ARCHIVAL DOCUMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4126A, IDAHO CODE, TO SPECIFY ARCHIVAL POWERS AND DUTIES OF THE BOARD OF TRUSTEES OF THE HISTORICAL SOCIETY; AMENDING TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 21, TITLE 57, IDAHO CODE, TO PROVIDE CREATION OF THE IDAHO HISTORIC PRESERVATION AND CULTURAL ENHANCEMENT FUND AND TO SPECIFY THE PURPOSE, LIMITATIONS AND CONDITIONS FOR MONEYS IN THE FUND; AND AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4129B, IDAHO CODE, TO PROVIDE FOR THE DEDICATION AND ALLOCATION OF MONEY IN THE IDAHO HISTORIC PRESERVATION AND CULTURAL ENHANCEMENT FUND.

H 789, H 790, H 791, H 792, H 793, H 794, H 795, H 796, H 797, and H 798 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1266, by State Affairs Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

S 1232, as amended, by Judiciary and Rules Committee, was

introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

S 1323, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

S 1302, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1372, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

S 1367, by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1381, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 766, **H 767**, **H 768**, and **H 770**, by Appropriations Committee, were read the second time by title and filed for third reading.

H 772, by Ways and Means Committee, was read the second time by title and filed for third reading.

S 1278, by Health and Welfare Committee, was read the second time by title and filed for third reading.

HJM 18 and **H 682**, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

H 609, as amended, **H 589**, as amended, and **HCR 42**, as amended, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

H 651, as amended, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 630, as amended, and **H 726**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

H 696, as amended, by Health and Welfare Committee, was read the second time by title and filed for third reading.

H 634, as amended, and **H 636**, as amended, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

At this time Mr. Moyle took the Chair.

Mr. Denney asked unanimous consent that **H 655** retain its place on the Third Reading Calendar until Wednesday, March 3, 2004. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that **SCR 123** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

SCR 123 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Speaker and Ms. Jaquet to open debate.

The question being, "Shall **SCR 123** be adopted?"

Whereupon the Speaker Pro Tem declared **SCR 123** adopted by voice vote and ordered the resolution returned to the Senate.

H 544, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Denney and Mr. Edmunson to open debate.

At this time, the Speaker returned to the Chair.

The question being, "Shall **H 544**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Kulczyk, Lake, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 55.

NAYS -- Boe, Douglas, Henbest, Jaquet, Langford, Langhorst, Martinez, Mitchell, Naccarato, Pasley-Stuart, Ringo, Robison, Saylor, Smith(30). Total -- 14.

Absent and excused -- Shirley. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 544**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that the House recess until 1:15 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Ring, Shirley. Total -- 2.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 592 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Jones to open debate.

The question being, "Shall **H 592** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 61.

NAYS -- None.

Absent and excused -- Bedke, Campbell, Crow, Henbest, Lake, Ring, Roberts, Shirley, Wood. Total -- 9.

Total -- 70.

Whereupon the Speaker declared **H 592** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 528 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eberle to open debate.

The question being, "Shall **H 528** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bell, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 57.

NAYS -- Kulczyk, Langford, McKague. Total -- 3.

Absent and excused -- Bedke, Campbell, Crow, Ellsworth, Henbest, Lake, Ring, Roberts, Shirley, Wood. Total -- 10.

Total -- 70.

Whereupon the Speaker declared **H 528** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 724 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

The question being, "Shall **H 724** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Roberts, Rydalch, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wood, Mr. Speaker. Total -- 63.

NAYS -- Kulczyk, Langford, Robison, Sali. Total -- 4.

Absent and excused -- Ring, Shirley, Wills. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 724** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

S 1238 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **S 1238** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Ring, Shirley, Wills. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1238** passed the House. Title was approved and the bill was ordered returned to the Senate.

H 755 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

Mr. Stevenson asked unanimous consent that, pursuant to Rule 22, discussion of **H 510** be allowed in debate of **H 755**. There being no objection, it was so ordered.

The question being, "Shall **H 755** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wood, Mr. Speaker. Total -- 62.

NAYS -- Moyle, Smith(24). Total -- 2.

Absent and excused -- Bell, Crow, Ring, Schaefer, Shirley, Wills. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 755** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

SJM 107 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **SJM 107** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Roberts, Robison, Rydalch, Sali, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- Henbest, Langhorst, Pasley-Stuart, Ringo, Sayler. Total -- 5.

Absent and excused -- Ring, Shirley. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **SJM 107** adopted and ordered the memorial returned to the Senate.

H 686 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Shepherd to open debate.

The question being, "Shall **H 686** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bell, Black, Boe, Bolz, Bradford, Cannon, Collins, Crow, Cuddy, Deal, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Henbest, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, McGeachin, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 51.

NAYS -- Barrett, Bayer, Bedke, Block, Campbell, Clark, Denney, Gagner, Harwood, Kulczyk, Lake, McKague, Meyer, Moyle, Sali, Smith(24), Wood. Total -- 17.

Absent and excused -- Ring, Shirley. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 686** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 739 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **H 739** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Jones, Ring, Shirley. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 739** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

S 1265 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Smith(30) to open debate.

The question being, "Shall **S 1265** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Smylie. Total -- 1.

Absent and excused -- Ring, Shirley. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1265** passed the House. Title was approved and the bill was ordered returned to the Senate.

H 656 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sali to open debate.

The question being, "Shall **H 656** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Lake, Ring, Shirley, Snodgrass. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 656** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 552, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **H 552**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Ring, Roberts, Shirley. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 552**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

HCR 51 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block to open debate.

The question being, "Shall **HCR 51** be adopted?"

Whereupon the Speaker declared **HCR 51** adopted by voice vote and ordered the resolution transmitted to the Senate.

H 762 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **H 762** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 63.

NAYS -- Barrett, Kulczyk, McKague. Total -- 3.

Absent and excused -- Ring, Roberts, Shirley, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 762** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 763 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 763** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Roberts, Robison, Rydalph, Sali, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 65.

NAYS -- Jones, Meyer. Total -- 2.

Absent and excused -- Ring, Shirley, Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 763** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10 a.m., Tuesday, March 2, 2003. Seconded by Mrs. Boe. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:36 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk